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Office of Personnel Services and Benefits

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Deputy Secretary

MEMORANDUM

TO: Personnel Directors in the State Personnel Management System

FROM: Andrea M. Fulton, Executive Director

DATE: October 15, 2004

RE: Continuation of Benefits for Employees who are Receiving
Temporary Total Disability Benefits

In April 2004, we issued a memo concerning the above-referenced subject and a Court of Special Appeals decision, *Rideout v. Department of Public Safety & Correctional Services*, 149 Md. App. 649, 818 A.2d 250 (Md. App. 2003). Specifically, we advised that employees who receive temporary total disability benefits must continue to maintain seniority, accrue leave and receive health care benefits as if they were on accident leave.

The implications of the *Rideout* decision have proven to be quite challenging. Employees often receive temporary total disability benefits for extended periods of time. In order for employees to accrue leave while they are receiving temporary total benefits, they must encumber a PIN.

To avoid the prolonged encumbrance of the PIN for leave accrual purposes, we suggest the following strategy:

Maintain a record of the leave the employee would have accrued during the time the employee is receiving temporary total disability benefits. If the employee recovers from the work-related injury and returns to duty, credit the employee with the accrued leave at that time. If the employee is unable to return to work and separates from State Service, compensate the employee for the accrued leave in accordance with pertinent statutes.

We believe that this alternative complies with the provisions of the *Rideout* decision and allows agencies the flexibility to utilize resources more efficiently to achieve goals and objectives.

Should you have any questions, please contact Margaret Embardino at 410-767-4483.

cc: Cecilia Januszkiewicz
Bruce Martin
Kris Hoffman
OPSB Directors